

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-31
Sacramento, CA 95814



August 23, 1985

ALL COUNTY LETTER No. 85-91

TO: ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
ALL DSS ADOPTION DISTRICT OFFICES
ALL COUNTY CLERKS

SUBJECT: OUT-OF-STATE CONSENTS (This letter supersedes ACL 82-59)

The purpose of this letter is to amend ACL 82-59 to allow adoption agencies which process independent adoptions to accept out-of-state consents in conformity with Civil Code Section 226.1(c). This Section reads "If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary, or other person authorized to perform notarial acts, and in such case the consent of the Department of Social Services or of a licensed county adoption agency will also be necessary."

Civil Code Section 226.2 reads "In all cases of adoption in which no agency licensed to place children for adoption is a party, it shall be the duty of the Department of Social Services or of the licensed county adoption agency to accept the consent of the natural parents to the adoption of the child by the petitioners and to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to filing its report with the court."

If an out-of-state consent is received before the California agency caseworker has initiated a request for consent of the out-of-state parent, the consent is to be accepted when:

1. the parent signs the consent outside the State of California before a notary or person authorized to perform notarial acts, and
2. the caseworker is able to contact the parent after the consent has been signed, to verify the information obtained.

In cases in which the parent cannot be contacted to verify the fact that the consent was freely and voluntarily given or the consent was signed before the birth of the child and filing of the petition or any statutory requirement is not met, the caseworker may file an early court report which states that the State Department of Social Services will not consent to the adoption (CC 226.1 (3)) for the reasons specified in the report.

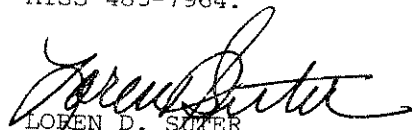
Examples of when it is appropriate not to consent to the adoption are listed below:

1. the consent is signed out-of-state and the parent cannot be contacted by the caseworker;
2. the consent has been signed before the birth of the child and/or before the filing of the adoption petition in California (CAC 30715);
3. the consent is signed but has not been signed before a notary or the seal of the notary is not on the same piece of paper, or
4. the consent has been signed and properly notarized but no Statement of Understanding is received or no background information can be obtained.

The caseworker should explain clearly and in detail exactly what circumstance has caused the Department to refuse to consent to the adoption.

If out-of-state consents are not received prior to the agency initiating the request, then Title 22, Section 30719(f) shall be followed. For consents signed in California, adoption caseworkers will continue to follow Title 22, Section 30719.

If you have any questions, please contact Fran Marshall at (916) 445-7964 or ATSS 485-7964.



LOREN D. SUTER
Deputy Director
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cc: CWDA